

**AN ORDINANCE
BY FINANCE EXECUTIVE**



AN ORDINANCE TO RATIFY AND AUTHORIZE THE EXECUTION OF RENEWAL AGREEMENT NO. 1, WITH CORRECTED EFFECTIVE DATE, WITH SHAHEED CONSTRUCTION COMPANY, INC. FOR FC-6004007803B, ANNUAL CONTRACT FOR INSTALLATION OF SMALL WATER METERS WITH BACKFLOW PREVENTION DEVICES, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT; TO AUTHORIZE THE EXECUTION OF RENEWAL AGREEMENT NO. 2, IN AN AMOUNT NOT TO EXCEED THREE MILLION DOLLARS AND NO CENTS (\$3,000,000.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND, ACCOUNT AND CENTER NUMBER 2J21 (WATER & WASTEWATER RENEWAL & EXTENSION) 574001 (FACILITIES OTHER THAN BUILDINGS) Q65J081394DA (SMALL METER INSTALLATION (NEW METERS)); TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta ("City") entered into an agreement with Shaheed Construction Company, Inc. ("Shaheed") for FC-6004007803B, Annual Contract for Installation of Small Water Meters with Backflow Prevention Devices, on December 14, 2004, pursuant to Resolution 04-R-0645, which included a base term of one (1) year with two (2) one (1) year renewal options at the sole discretion of the City; and

WHEREAS, the base term of the agreement was set to expire on December 13, 2005 and the Chief Procurement Officer issued a 90-day extension which expired on March 13, 2006; and

WHEREAS, Renewal Agreement No. 1 was authorized by Resolution 06-R-0645, effective March 28, 2006, which was after the expiration of the 90-day extension in violation of the competitive procurement provisions of Article X of the City's Procurement and Real Estate Code; and

WHEREAS, the intent of the City, as expressed by Resolution No. 06-R-0645, was to authorize Renewal Agreement No. 1 effective March 14, 2006 to avoid the creation of contract gaps or gaps in services; and the ratification and authorization of Renewal Agreement No. 1 with an effective date of March 14, 2006 through this ordinance cures the timing defect of Resolution No. 06-R-0645 and perfects the City's intent to authorize Renewal Agreement No. 1; and

WHEREAS, the waiver of Article X of the City of Atlanta's Procurement and Real Estate Code is necessary to correct the timing defect of the above described resolution to the extent that the above described resolution was effective after the expiration of the prior agreement; and

WHEREAS, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer have recommended this ordinance to cure the above described timing defects of Renewal Agreement No. 1 and the corresponding authorizing resolution; and

WHEREAS, the contractor has performed the contracted services satisfactorily; and

WHEREAS, Renewal Agreement No. 1, with the corrected effective date, will expire on March 13, 2007; and

WHEREAS, the Department of Watershed Management and Shaheed have agreed to amend the scope of the agreement to specify the installation of only Neptune water meters which are AMR ready, provide electronic record of meters, upgrade encoder register, install locking meter lids, remove backflow devices, and incorporate unit price changes agreed on by the City and Shaheed; and

WHEREAS, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer have recommended the execution of Renewal Agreement No. 2 to include scope changes to specify the installation of only Neptune meters which are AMR ready, in an amount not to exceed Three Million Dollars and No Cents (\$3,000,000.00).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That Renewal Agreement No. 1 is hereby ratified and authorized to include an effective date of March 14, 2006; that the Mayor is authorized to execute an amended and restated Renewal Agreement No. 1 with a corrected effective date of March 14, 2006; and that Article X of the City of Atlanta's Procurement and Real Estate Code is hereby waived to the extent that Article X applies to the authorization and ratification of Renewal Agreement No. 1.

SECTION 2: That the Mayor is authorized to execute Renewal Agreement No. 2 with Shaheed Construction Company, Inc. ("Shaheed") for FC-6004007803B, Annual Contract for Installation of Small Water Meters with Backflow Prevention Devices, which includes scope changes to specify the installation of only Neptune meters which are AMR ready, provide electronic record of meters, upgrade encoder register, install locking meter lids, remove backflow devices, and incorporate unit price changes agreed on by the City and Shaheed, with an effective date of March 14, 2007, in an amount not to exceed Three Million Dollars and No Cents (\$3,000,000.00).

SECTION 3: That the term of Renewal Agreement No. 2 will be for one (1) year and that Article X of the City of Atlanta's Procurement and Real Estate Code is hereby waived to the extent that Article X applies to the authorization and ratification of Renewal Agreement No. 2.

SECTION 4: That the Chief Procurement Officer is directed to prepare an appropriate Renewal Agreement No. 2 for execution by the Mayor.

SECTION 5: That all contracted work will be charged to and paid from Fund, Account and Center Number 2J21 (Water & Wastewater Renewal & Extension) 574001 (Facilities Other Than Buildings) Q65J081394DA (Small Meter Installation (New Meters)).

SECTION 6: That Renewal Agreement No. 2 will not become binding on the City and the City will incur no obligation or liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to Shaheed.

SECTION 7: That all ordinances in conflict with this ordinance are waived for this instance only.